

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:

Michael A. Hoover, Sr. : Case No. 14-22165-CMB

Lori Ann Hoover :

Debtor(s) :

Michael A. Hoover, Sr. :

Lori Ann Hoover :

Movant(s) :

vs. PNC Bank and Ronda J. Winnecour, :

Trustee, :

Respondent(s) :

Chapter 13

Related to Document 107

Hearing Date: 10/13/21 at 2:30 p.m.

CHAPTER 13 TRUSTEE'S RESPONSE TO MOTION SEEKING A
FINDING OF CONTEMPT BY PNC BANK FOR THE VIOLATION OF
THIS COURT'S ORDER APPROVING TRUSTEE'S FINAL ACCOUNT AND
ADMINISTRATIVELY CLOSING CASE AND THE DISCHARGE INJUNCTION

RONDA J. WINNECOUR ("Trustee") responds as follows:

1. Trustee understands that the relief sought in the motion is against PNC Bank only, and that she was "listed . . . for notice purposes only."

2. The problem, however, is that there is a difference, in motion practice, between a party entitled to, or given, notice of a particular request for relief, and the party against whom relief is sought.¹

3. Local rule 9004-1, which governs captions of pleadings and order, provides that the party against whom relief is sought shall be designated as "Respondent."

4. Given the presumption that the movant is seeking relief against named respondents, an erroneous caption is particularly troubling when the relief sought is a finding of contempt. The Trustee should not be named as a respondent in a pleading

¹ The rules require trustees, including the U.S. Trustee, be given notice of almost all pleadings filed in bankruptcy cases. That does not make the trustees "respondents" in every one of those pleadings.

in which there is no relief being requested against her or the office of the Chapter 13 Trustee, and should never be named as a respondent where the relief sought is exclusively against a third party.

5. The erroneous caption in this case is particularly troubling since the Order grants relief against "Respondent" without expressly limiting the identity of the Respondent against whom the relief is being granted to PNC Bank in every instance in the Order where the word Respondent appears, and does not expressly provide that the no relief was sought against or is being granted with respect to the Trustee.

WHEREFORE, absent an amendment to the pleading to delete the Trustee as a Respondent or to otherwise modify the Order to the Trustee's satisfaction, the Trustee respectfully requests that the Motion be denied.

RONDA J. WINNECOUR,
CHAPTER 13 TRUSTEE

Date: September 17, 2021

By: /s/ Owen W. Katz
Owen W. Katz, PA I.D. 36473
Attorney for Chapter 13 Trustee
US Steel Tower, Suite 3250
600 Grant Street
Pittsburgh, PA 15219
(412) 471-5566
Email: okatz@chapter13trusteewdpa.com

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In re:

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Lori Ann Hoover	:	
Debtor(s)	:	Chapter 13
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Movant(s)	:	Related to Document 107
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PNC Bank and Ronda J. Winnecour,	:	
Trustee,	:	
Respondent(s)	:	

CERTIFICATE OF SERVICE

I hereby certify that on the 17th of September 2021, I served one true and correct copy of the foregoing document on the following parties in interest by United States first-class mail, postage prepaid, addressed as follows:

Joseph S. Sisca, Esquire
Assistant U.S. Trustee
Suite 970, Liberty Center
1001 Liberty Avenue
Pittsburgh PA. 15222

Michael A. Hoover, Sr.
Lori Ann Hoover
PO Box 744
Fredericktown, PA 15333

Daniel R. White, Esquire
ZEBLEY MEHALOV & WHITE, P.C.
P.O. Box 2123
Uniontown, PA 15401

PNC Bank
PO Box 1820
Dayton, OH 45401-1820

PNC Bank
c/o William S. Demchak
300 Fifth Avenue
The Tower at PNC Plaza
Pittsburgh, PA 15222-2707

/s/Rosa M. Richard
Office of Chapter 13 Trustee
US Steel Tower – Suite 3250
600 Grant Street
Pittsburgh, PA 15219
(412) 471-5566
cmecf@chapter13trusteewdpa.com